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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,089	01/13/2004	Robert Haussmann	54317-029201	3534
46560 7590 07/10/2008 THE WALT DISNEY COMPANY C/O GREENBERG TRAURIG LLP 2450 COLORADO AVENUE SUITE 400E SANTA MONICA, CA 90404				
EXAMINER NGUYEN, HUY THANH				
ART UNIT 2621		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/757,089

**Applicant(s)**

HAUSSMANN ET AL.

**Examiner**

HUY T. NGUYEN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 57-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 72-88 is/are allowed.
- 6) ☒ Claim(s) 57-71 and 89-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 63 and 89-90 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 63, 89-90 direct to instructions that instruct a player but failing to specify the location of the instructions that on which the instructions can be encoded and/or readout by a computer to instruct the player. Since the claims 63, 89-90 direct to instructions per se, the instruction do not make them the statutory. See MPEP 2100..

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 57 and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Harayama et al (5630006) .

Regarding claims 57 and 63 , Harayama discloses a method of automatically playing the contents of a medium, the method comprising:  
providing a single medium main menu at start up having a pre-determined timeout after display of the menu (column 6,line 55 to column 7,line 15); and  
proceeding to play the contents of the medium, including a feature presentation, in an uninterrupted sequence after the pre-determined timeout has lapsed without any interaction from a user (column 10,lines 50-55). The user can select a standard play option or fast play option by selecting a section on the menu for starting play . If the user selects a first section on the menu the player will play the first section and then second section (predetermined order or fast play. Applicant argues that there is no suggestion in the references of a fast play or a slow play. In response it is noted that there is no recitation "slow play" in the claims .

4. Claims 63-67, are rejected under 35 U.S.C. 102(b) as being anticipated by Hosoi et al (JP02002074913) .

Regarding claim 63 , Hosoi further teaches a method medium and a method and medium player for playing back a plurality of the data blocks stored on the medium , the data blocks on the medium can be viewed by playing the medium in the medium player, wherein the plurality of data blocks include a feature presentation, the medium comprising:

first instruction set that instructs the medium player to play the plurality of data blocks of the medium in a pre-determined uninterrupted sequence upon insertion of the medium into the medium player without any interaction from a user (See Abstract, Solution and Fig. 2,7); and

a second instruction set that instructs the medium player to play the plurality of data blocks of the medium in response to user commands that determine the order for playing the plurality of data blocks of the medium (the user using menu for selecting the playback of the recoded data blocks (Fig. 7) .

Applicant argues that Hosoi does not teach a DVD player . In response the examiner disagrees. It is noted Hosoi discloses a DVD player (Fig. 3) that reads the instruction stored on the DVD to perform the displays of fast play option and standard play option( the play that is selected by menu).

Regarding claim 64 , Hosoi teaches the medium of claim 63, wherein the user commands are chosen from a menu by the user (Fig. 7).

Regarding claim 65, Hosoi teaches the medium the medium is a digital video disc.(See Abstract and Solution ).

Regarding claim 66 , Hosoi teaches the medium of claim 63, wherein the medium player is a digital video disc player (See Abstract).

Regarding claim 67, Hosoi teaches the medium of claim 63, wherein the medium player is operable in conjunction with a video display that can display the plurality of data blocks of the medium.

Regarding claim 68 , Hosoi teaches the medium of claim 63, wherein the plurality of data blocks includes at least one movie.

5. Claims 63-71 are rejected under 35 U.S.C. 102(b) as being anticipated by DISNEY PIXAR, MONSTER INC. 2001.

Regarding claim 63 , PIXAR teaches a method medium and a method and medium player for playing back a plurality of the data blocks stored on the medium , the data blocks on the medium can be viewed by playing the medium in the medium player, wherein the plurality of data blocks include a feature presentation, the medium comprising:

a first instruction set that instructs the medium player to play the plurality of data blocks of the medium in a pre-determined uninterrupted sequence upon insertion of the medium into the medium player without any interaction from a user ( Warring and Preview chapter are automatically when the VD is inserted into the DVD player); and a second instruction set that instructs the medium player to play the plurality of data blocks of the medium in response to user commands that determine the order for playing the plurality of data blocks of the medium, upon receiving an input from a user, interrupting the playing of the plurality of data blocks of the medium in the pre-determined sequence

(the user using menu for selecting the playback of the recoded data blocks ( the menu shows PLY, scene selection sneak peeks or bonus feature .

Regarding claims 64 , PIXAR teaches the medium of claim 63, wherein the user commands are chosen from a menu by the user .

Applicant argues that PIXAR does not teach fast play option and standard play option, In response , it is noted that PIXAR teaches both fast play option and standard play option . PIXAR teaches that when the DVD inserted into a DVD player, a fast play option is perform and when a menu is selected the menu display a selection between a fast play and a standard play to play predetermined order or a part of content .

Regarding claim 65, PIXAR teaches the medium of claim 63, wherein the medium is a digital video disc.

Regarding claim 66 , PIXAR teaches the medium of claim 63, wherein the medium player is a digital video disc player .

Regarding claim 67, PIXAR teaches the medium of claim 63, wherein the medium player is operable in conjunction with a video display that can display the plurality of data blocks of the medium.

Regarding claim 68, PIXAR teaches the medium of claim 63, wherein the plurality of data blocks includes at least one movie.

Regarding claim 69, PIXAR further teaches the medium of claim 63, wherein the plurality of data blocks includes at least one trailer.

Regarding claim 70, PIXAR teaches wherein the plurality of data blocks includes bonus material.

Regarding claim 71, PIXAR teaches wherein the plurality of data blocks includes at least one sneak peak.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 69,70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harayama in view of Official Notice .

Regarding claims 69,70 and 71, Harayama does not specifying using trailer, bonus material and sneak peak as the data blocks . However it is noted that using trailer, bonus material or sneak peak as data blocks and arranging ,assembling and editing the trailer, bonus or sneak peak for displaying before or after the main feature data blocks is well known in the art . Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Harayama by providing the data blocks of Harayama with the data blocks of trailer, bonus material or sneak peak as additional data blocks thereby providing more interesting to the user .

8. Claims 69,70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoi in view of Official Notice .

Regarding claims 69,70 and 71, Hosoi does not specifying using trailer, bonus material and sneak peak as the data blocks . However it is noted that using trailer, bonus material or sneak peak as data blocks and arranging ,assembling



and editing the trailer, bonus or sneak peak for displaying before or after the main feature data blocks is well known in the art. Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Hosoi by providing the data blocks of Hosoi with the data blocks of trailer, bonus material or sneak peak as additional data blocks thereby providing more interesting to the user.

***Allowable Subject Matter***

9. Claims 72-88 are allowed.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621